

United States District Court

for

THE DISTRICT OF GUAM

FILED
DISTRICT COURT OF GUAM

JUL 11 2005

MARY L.M. MORAN
CLERK OF COURT

U.S.A. vs:

Jason Coburian Ortiola

Docket No.

CR#05-00047-001

Petition for Action on Conditions of Pretrial Release

COMES NOW JOHN W. SAN NICOLAS II PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Jason Coburian Ortiola
who was placed under pretrial release supervision by the Honorable Ricardo Martinez, U.S. District Court Judge
sitting in the court at Hagatna, Guam on the 8th date of June, 20 05
under the following conditions:

*Please see Order Setting Conditions of Release filed on June 8, 2005 and Consent to Modify
Conditions of Release filed on July 1, 2005.*

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

Please see attached violation report.

FILED
DISTRICT COURT OF GUAM

JUL 13 2005 mba

MARY L.M. MORAN
CLERK OF COURT (12)

PRAYING THAT THE COURT WILL

*Pursuant to 18 U.S.C. §3148, order that a summons be issued, and that this matter be set for a hearing,
and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why
conditions of release should not be modified, or for any other matter for which the Court may deem just
and proper.*

ORDER OF COURT

Considered and ordered this 13th day
of July, 20 05 and ordered filed
and made a part of the records in the above
case.

JOAQUIN V.E. MANIBUSAN, JR.
U.S. District Judge/Magistrate

Respectfully,
John W. San Nicolas II
U.S. Pretrial Services Officer

Place: Hagatna, Guam

Date: July 8, 2005

RECEIVED

JUL 11 2005

DISTRICT COURT OF GUAM

**IN THE UNITED STATES DISTRICT COURT
FOR THE
TERRITORY OF GUAM**

UNITED STATES OF AMERICA,)	
Plaintiff,)	USDC Cr. Cs. No.: 05-00047-001
)	
vs.)	DECLARATION IN SUPPORT OF PETITION
)	
Jason Coburian Ortiola,)	
Defendant.)	
_____)	

Re: Violation Report, Request for a Summons

I, U.S. Probation Officer John W. San Nicolas II, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of pretrial for Jason Corburian Ortiola, and in that capacity declare as follows:

On June 8, 2005, Jason Coburian Ortiola made an Initial Appearance in U.S.D.C. Criminal Case Number 05-00047 on an Indictment under seal charging him with Distribution of Methamphetamine Hydrochloride, in violation of 21 U.S.C. § 841(a)(1) and Carrying a Firearm During a Drug Trafficking Offense, in violation of 18 U.S.C. § 924(c). On that same date, Mr. Ortiola was released on a personal recognizance bond with conditions that he report to the U.S. Probation Office and Drug Enforcement Administration as directed; surrender any passport to the Clerk of Court, District Court of Guam; obtain no passport; reside at Dededo, Guam, and not change residence unless approved by the U.S. Probation Office; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from excessive use of alcohol; refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; submit to any method of testing required by a pretrial services officer or the supervising officer for determining whether the defendant is using a prohibited substance; refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is required as a condition of release; report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning or traffic stop; and shall not go near any ports of entry or exit, unless directly related to employment or as authorized by the U.S. Probation Office, and shall not leave the Territory of Guam without written permission of the Court and the U.S. Probation Office.

DECLARATION IN SUPPORT OF PETITION
Violation Report; Request for a Summons
Re: ORTIOLA, Jason Coburian
USDC Cr. Cs. No. 05-00047-001
July 8, 2005
Page 2

Probation Office, and shall not leave the Territory of Guam without written permission of the Court and the U.S. Probation Office. On July 1, 2005, conditions were modified by the Court to include that Mr. Ortiola participate in drug treatment. He is alleged to have violated the following conditions:

Special Condition: *The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. §802, unless prescribed by a licensed medical practitioner.* On June 21, 2005, Mr. Ortiola tested presumptive positive for methamphetamine and amphetamines on a urinalysis conducted at the U.S. Probation Office. The sample was sent to Quest Laboratories for confirmation testing because he denied use of illicit substances. On June 28, 2005, this officer received the laboratory report which indicated a positive result for methamphetamine and amphetamines for the June 21, 2005 drug test.

On June 29, 2005, this officer met with Mr. Ortiola to discuss the laboratory report. He continued to deny use of illicit substances, even after being confronted with the laboratory report. He stated that he takes a supplement, Nitrotech, to assist in building muscle mass. This is Mr. Ortiola's first documented positive urinalysis for methamphetamine and amphetamines.

Special Condition: *Refrain from possessing a firearm, destructive device, or other dangerous weapons.* On June 21, 2005, this officer met with Mr. Ortiola for supervision orientation. Mr. Ortiola, a Guam Police Department Officer, stated that his service weapon, which was issued by the Guam Police Department, was confiscated pursuant to his arrest. Although he reported that he does not own any firearms, he stated that his father, Tony Ortiola, owns approximately three (3) firearms which are located in the home that they reside in. This officer spoke with the defendant and his father regarding the need to remove the firearms from the home pending disposition of the case. However, Mr. Tony Ortiola declined to remove them.

Supervision Compliance: The probation officer has no information that suggests that the defendant has not complied with other conditions of pretrial release.

Recommendation: The Probation Officer respectfully requests that pursuant to 18 U.S.C. §3148, that this matter be scheduled for a hearing and a summons be issued for the defendant's appearance at that hearing to determine if his bail should be revoked or modified.

DECLARATION IN SUPPORT OF PETITION
Violation Report; Request for a Summons
Re: ORTIOLA, Jason Coburian
USDC Cr. Cs. No. 05-00047-001
July 8, 2005
Page 3

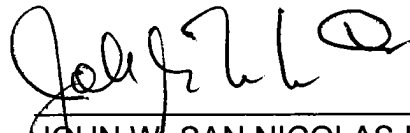
Executed this 8th day of July 2005, at Hagatna, Guam, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

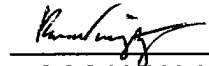
Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


JOHN W. SAN NICOLAS II
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Karon V. Johnson, Assistant U.S. Attorney
John Gorman, Federal Public Defender
File